

### **REMARKS**

Upon entry of the foregoing Amendment, claims 1-26 are pending. Claims 1-10 and 13-23 are amended; and no claims are added or canceled. In view of the foregoing Amendment and following Remarks, reconsideration and allowance of all pending claims in the application is requested.

In response to the Office Action dated July 6, 2006, the claims have been amended to improve their form and to overcome the objections and Section 112 rejection and Section 101 rejection.

With respect to the Section 102 rejection, it is traversed. Roberts fails to disclose each of the claim recitations of the original claims. The amended claims include further distinctions over Roberts as well. For example, Roberts does not disclose a multi-factor rate analysis system as recited (e.g., claim 1). Rather Roberts looks at the cost. Roberts does not disclose using user preference information in determining if a better rate plan is available for a particular user based on the user's preferences (e.g., claims 1 and 14). Roberts makes clear that the comparison is based on the user's current service provider (Roberts, Col. 6, l. 49-51).

Roberts does not disclose a user specified threshold for an amount of savings that would cause a user to switch rate plans (claims 2 and 15).

Roberts does not disclose determining a rate plan based on a user's usage pattern for a service over two or more separate periods of time, which can take into account, for example, seasonality and/or other known factors that would cause a user's usage to differ from one month (or other period) to another (e.g., claims 3 and 16). Roberts makes clear that its analysis is for a period (e.g., a month). See Roberts, Col. 1, l. 15-20.

Roberts does not disclose electronically extracting prior usage information from an electronic bill payment system (e.g. claims 4 and 17). Roberts does disclose using optical recognition, card readers, etc., but this involves additional steps as compared to what is claimed. See Roberts Col. 4, l. 30-34.

Roberts fails to disclose personalized savings information based on information in at least one of the user's preferences (in addition to prior usage information) to provide personalized savings for one user as compared to another who may have the same usage information (e.g., claims 5 and 18). Roberts makes clear that the comparison is based on the user's current service

provider (Roberts, Col. 6, l. 49-51). Item 64 in Figure 7 merely refers to a comparison of rate plans.

Roberts fails to disclose providing user specific savings information where the savings information includes a determination of incentives or discounts that may be available to a user based on equipment owned by the user (e.g., claims 6 and 19).

Roberts fails to disclose providing savings information that includes user behavior change information (e.g., claims 7 and 20).

Roberts fails to disclose storing user independent data that can be used in the analysis to generate savings suggestions (e.g., claims 8 and 21). Item 506 in Fig. 6 reflects monitoring the status of an order. This is not disclosed as being a factor used in the analysis. Compare this with the present specification which discloses for example using user independent factors (such as the weather) in the analysis to determine better rates for the user.

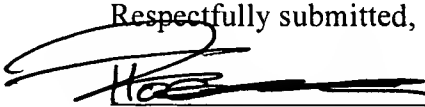
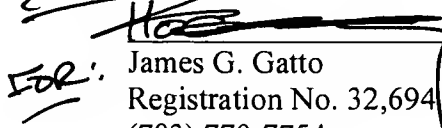
Roberts fails to disclose storing user rate plan switching information criteria and automatically switching the user when the criteria is met (e.g., claims 9 and 22). Item 602 of Fig. 8 does refer to switching a user to a new rate plan. This refers to a manual process and there is no disclosure of user specified (or other switching criteria) being stored in the user information. See Roberts Col. 9, l. 49-57. In contrast, in the invention, the user may specify switching criteria, examples of which include the frequency with which the user may tolerate switching and the minimum savings threshold for which it is worth it for the user to make a switch, among others.

Roberts fails to disclose a demand aggregation module for aggregating users that are willing to transfer to an identified service provider (claims 11 and 23) or rate plan (claims 12 and 22).

Roberts fails to disclose providing means for automatically monitoring rate plans for a subscriber and deliver alerts to the user when a better rate is available to the subscriber. This avoids the need for the subscriber to repeatedly visit the web site or use the tool to check for savings.

The foregoing is believed to overcome all grounds of objection and rejection and place the case in condition for allowance. Notification of such is earnestly solicited.

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